

make such a determination without requesting modification of an ADI, the FCC will reduce its processing burden and thereby facilitate expedited consideration of all written requests filed pursuant to Section 614(h)(1)(C), without materially affecting stations operating in any ADI. See 47 U.S.C. Section 614(h)(1)(C)(iv) (directing the FCC to provide for expedited consideration of requests filed under Section 614(h)(1)(C)).

#### V. CONCLUSION.

For the foregoing reasons, Viacom urges that the FCC declare that a cable operator is not entitled by virtue of the Act's must-carry provisions to abrogate any of its existing affiliation contracts with cable networks in order to comply with its must-carry obligations. Viacom also requests that the FCC declare that distant stations which are not superstations are not entitled to exercise retransmission consent rights under Section 325; that a local commercial television station which elects retransmission consent but is not carried may not exercise exclusivity rights against any distant signal imported by the cable system; and that a local commercial television station must make the same election between must-carry and retransmission consent on all systems serving its ADI.

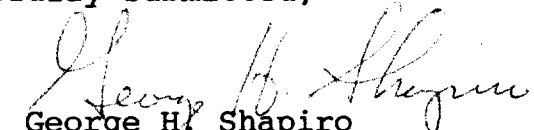
Viacom further requests the FCC to require that a local station electing retransmission consent provide a written and signed certification to the cable operator demonstrating that it has the express authority to grant retransmission consent; to declare that cable systems receiving on such certifications have

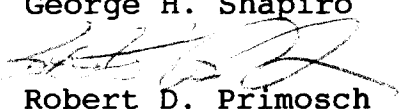
met all of the Act's requirements for obtaining retransmission consent; and to declare that a local station may not grant retransmission consent absent express contractual authority to do so, and that in determining whether a station has the requisite authority to grant retransmission consent, one need only look at the contracts the station has entered into with each of its video programmers and not at arrangements between video programmers and other parties. Also, Viacom asks the FCC to implement the retransmission consent/must-carry election timetables as suggested by Viacom, and to fully account for retransmission consent costs when establishing a "reasonable rate" for basic cable service.

Viacom further requests that the FCC declare that any noncommercial television station will "substantially duplicate" another noncommercial station's programming if during the previous 30-day period it has broadcast at least 50% of the other station's programming either in prime time (as defined in Section 73.662(g) of the FCC's Rules) or during the entire broadcast day. With respect to commercial stations, Viacom recommends that the FCC apply a 50% prime time duplication or an "entire broadcast day" standard to all programming broadcast during the immediately preceding sweeps period. Finally, Viacom asks the FCC to rule that a cable system which serves subscribers in more than one ADI be permitted to treat its entire system as located in the market

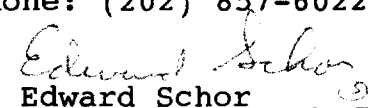
where the largest number of the system's subscribers reside.

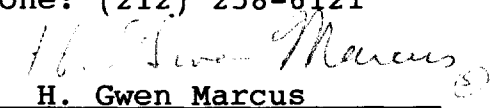
Respectfully submitted,

  
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